

### REMARKS

Responsive to the Restriction Requirement mailed December 17, 2002, Applicants elect to prosecute claims 1-5, 7-13, and 39-43, designated as Group II in the Action. The claims of Group II are drawn to nucleic acid molecules encoding the polypeptide of SEQ ID NO: 4, and nucleic acid molecules which encode polypeptides possessing an activity of the polypeptide set forth in SEQ ID NO: 4.

Applicants contend that by amending claims 2 and 8 as indicated above and canceling claim 47, the pending claims no longer recite the non-elected invention of Group I. Applicants contend that as neither the specification nor the amended claims recite the amino acid sequence of canceled claim 47, the sequence listing of record (filed October 4, 2000) fully satisfies the requirements of 37 C.F.R. §§ 1.821-1.825.

Applicants do not believe any additional fee is required. However, the Commissioner is authorized to charge any deficiency to Deposit Account No. 13-2490. If Examiner Trong believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff**

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By: 

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AMENDMENTS TO THE CLAIMS

Marked Up Versions of Amended Claims under 37 C.F.R. 1.121(c)(1)(ii)

2. (Amended) A recombinant host cell comprising a nucleic acid molecule comprising the nucleotide sequence of any of Claims 1, 39, or 40, ~~or 47~~.

8. (Amended) A vector comprising the nucleic acid molecule of Claims 1, 39, or 40, ~~or 47~~.

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**PENDING CLAIMS**

**Clean Versions of Pending Claims under 37 C.F.R. 1.121(c)(3)**

1. An isolated nucleic acid molecule comprising a nucleotide sequence:
  - (a) as set forth in SEQ ID NO: 3;
  - (b) encoding a polypeptide as set forth in SEQ ID NO: 4;
  - (c) which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of either (a) or (b), wherein the polypeptide encoded by the nucleic acid molecule has an activity of the polypeptide set forth in SEQ ID NO: 4; or
  - (d) complementary to the nucleotide sequence of any of (a) - (c).
2. A recombinant host cell comprising a nucleic acid molecule comprising the nucleotide sequence of any of Claims 1, 39, or 40.
3. The recombinant host cell of Claim 2 which is a eukaryotic cell.
4. The recombinant host cell of Claim 2 which is a prokaryotic cell.
5. A process of producing an FGF-like polypeptide comprising culturing the recombinant host cell of Claim 2 under suitable conditions to express the polypeptide.
7. The process of Claim 5, wherein the nucleic acid molecule comprises promoter DNA other than the promoter DNA for the native FGF-like polypeptide operatively linked to the DNA encoding the FGF-like polypeptide.
8. A vector comprising the nucleic acid molecule of Claims 1, 39, or 40.
9. A host cell comprising the vector of Claim 8.
10. The host cell of Claim 9 which is a eukaryotic cell.

11. The host cell of Claim 9 which is a prokaryotic cell.
12. A process for determining whether a compound inhibits FGF-like polypeptide activity or FGF-like polypeptide production comprising exposing a cell according to Claim 2 to the compound, and measuring FGF-like polypeptide activity or FGF-like polypeptide production in said cell.
13. A process for producing an FGF-like polypeptide comprising culturing the host cell of Claim 9 under suitable conditions to express the polypeptide, wherein said polypeptide can be isolated from the culture.
39. An isolated nucleic acid molecule comprising:
- (a) a region of the nucleotide sequence of SEQ ID NO: 3, encoding a polypeptide fragment of at least about 25 amino acid residues, wherein the polypeptide fragment has an activity of the polypeptide set forth in SEQ ID NO: 4, or is antigenic;
  - (b) a region of the nucleotide sequence of SEQ ID NO: 3 comprising a fragment of at least about 16 nucleotides; or
  - (c) a nucleotide sequence complementary to the nucleotide sequence of either (a) or (b).
40. An isolated nucleic acid molecule comprising:
- (a) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 4 with at least one conservative amino acid substitution, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 4;
  - (b) a region of the nucleotide sequence of (a) comprising a fragment of at least about 16 nucleotides; or
  - (c) a nucleotide sequence complementary to the nucleotide sequence of either (a) or (b).

41. The process of Claim 5, further comprising recovering the polypeptide from the culture.

42. A process of producing an FGF-like polypeptide comprising culturing the recombinant host cell of Claim 9 under suitable conditions to express the polypeptide.

43. The process of Claim 42, further comprising recovering the polypeptide from the culture.